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October 16, 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

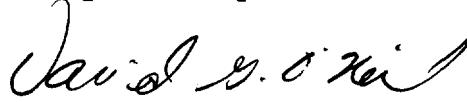
Re: Watertown Radio Associates Limited Partnership  
WXPS(FM), Vergennes, Vermont  
MM Docket No. 97-185  
Notice of Proposed Rule Making

Dear Mr. Caton:

Watertown Radio Associates Limited Partnership, by its attorneys, hereby files an original and five copies of its "**Comments**" in the above-referenced proceeding.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

  
David G. O'Neil

DGO:las  
Enclosures (6)

cc(w/encl): Ms. Pamela Blumenthal (via hand delivery)

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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OCT 16 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 97-185  
Table of Allotments, ) RM-9080  
FM Broadcast Stations )  
(Vergennes, Vermont and )  
Willsboro, New York) )

COMMENTS

Watertown Radio Associates Limited Partnership, ("Watertown Radio"), pursuant to Section 1.420 of the Commission's Rules and by its attorneys, hereby files its Comments with respect to the Commission's Notice of Proposed Rule Making, DA 97-1775 (released August 25, 1997) ("NPRM"). Granting the NPRM will permit WXPS(FM) to provide first local service to Willsboro, New York but not deprive Vergennes, Vermont of its first local service. In support thereof, the following is hereby respectfully submitted.

1. The NPRM requests that Watertown Radio provide information regarding the areas and populations which will receive new service ("gain area") and the areas and populations that will lose existing service ("loss area") as a result of Watertown Radio relocating the transmitter site for WXPS(FM). The NPRM also requests information regarding the number of aural services within the gain and loss area.

2. Attached as Exhibit 1 is the Engineering Statement of Robert M. Smith ("Engineering Statement"), consulting engineer to Watertown Radio. The change in transmitter sites for WXPS(FM) will result in a net gain in area and population receiving 60 dBu service from WXPS(FM) of 27.8 square kilometers and 48,712 persons,

respectively. See Engineering Statement at 2. Over three people will receive new service for each person losing service.

3. The change in transmitter site will not change the number of aural services providing service to either Vergennes or Willsboro. Id. The present and proposed operation of WXPS(FM) will provide 60 dBu or better service to Vergennes. Id. The present operation of WXPS(FM) provides 60 dBu or better service to approximately 95% of Willsboro while the proposed operation will provide 60 dBu or better service to all of Willsboro. Id. Both Vergennes and Willsboro presently receive and will continue to receive service from more than five aural services. Id. Consequently, the change in the WXPS(FM) transmitter site will not change the number of aural services providing service to either community.

4. The loss area will still receive 60 dBu service from more than five other aural services. Id. at 3. The gain area presently receives 60 dBu service from more than five aural services. Id. Thus, the loss area is well served. See Geneseo, Illinois and DeWitt, Iowa, Notice of Proposed Rule Making, 11 FCC Rcd 11575, 11577 (PRD 1996).

5. Watertown Radio reaffirms that upon release of a Report and Order granting the NPRM, Watertown Radio will timely file an application for construction permit to construct and operate WXPS(FM) on Channel 244A, Willsboro, New York, and expeditiously construct the new facility.

## CONCLUSION

Watertown Radio supports the NPRM's proposal that the FM Table of Allotments be amended as follows:

<u>Location</u>	<u>Current Allocation</u>	<u>Proposed Allocation</u>
Vergennes, VT	244A	----
Willsboro, NY	----	244A

and that the license of WXPS(FM) be modified to specify operation on Channel 244A at Willsboro, New York. The proposed channel substitutions satisfies the requirements of Section 1.420(i) and serves the public interest by providing first local service to Willsboro while retaining a first local service in Vergennes. The Petition is a preferential allotment under the Commission's priorities for assigning FM allotments.

WHEREFORE, for the foregoing reasons, it is respectfully submitted that the public interest would be served by amending the FM Table of Allotments as proposed herein.

Respectfully submitted

**WATERTOWN RADIO ASSOCIATES  
LIMITED PARTNERSHIP**

  
\_\_\_\_\_  
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October 16, 1997

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## **ENGINEERING STATEMENT**

**In Support of:**

**NOTICE OF PROPOSED RULE MAKING**

**VERGENNES VERMONT AND WILLSBORO, NEW YORK**

**MM DOCKET NO. 97-185**

**By:**

**WATERTOWN RADIO ASSOCIATES LP**

**October 1997**

**COMMENTS TO  
NOTICE OF PROPOSED RULE MAKING  
VERGENNES, VERMONT AND WILLSBORO, NEW YORK  
MM DOCKET NO. 97-185  
BY  
WATERTOWN RADIO ASSOCIATES, LP**

**PURPOSE AND SCOPE**

This Engineering Statement is prepared in support of Comments filed by Watertown Radio Associates LP and is filed in response to an F.C.C. Notice of Proposed Rule Making to amend the FM Table of Allotments in 47 C.F.R. 73.202(b), by the deletion of Channel 244A, Vergennes, Vermont and addition of Channel 244A, Willsboro, New York. (F.C.C. RM-9080) and the modification of authorization for WXPS(FM), Vergennes, Vermont accordingly.

**AREA AND POPULATION COVERAGE**

Figure 1 of this Statement is a portion of a 1:250,000 scale U.S. Geological Survey Topographic Map (Lake Champlain and Glens Falls, NY) showing the 60 dBu f(50,50) contours from the present operation of WXPS(FM) and the proposed WXPS(FM) operation as a full Class A facility at the proposed Willsboro allotment site. Coverage contours were calculated at 5° intervals beginning with True North for each facility using NGDC 30 second terrain data.

The 60 dBu contour from the present WXPS(FM) operation encompasses an area of 2545.3 square kilometers and a population of 91,889 (1990 Census).

The 60 dBu contour from the proposed WXPS(FM) operation encompasses an area of 2573.1 square kilometers and a population of 140,601 (1990 Census).

### **AREA AND POPULATION COVERAGE (Continued)**

The proposed change in 60 dBu coverage area will remove 60 dBu service from 1138.2 square kilometers with a population of 21,949. The proposed change will add 60 dBu service to 1166.0 square kilometers with a population of 70,661. The total increase in area receiving 60 dBu service is 27.8 square kilometers. The total increase in population receiving 60 dBu service is 48,712. Over three people will receive new 60 dBu service for each person losing such service.

### **SERVICES OVER WILLSBORO AND VERGENNES**

The present operation of WXPS(FM) provides 60 dBu or better service to all of Vergennes, VT and to approximately 95% of Willsboro, NY. The proposed operation of WXPS(FM) will provide 60 dBu or better service to all of Vergennes, VT and to all of Willsboro, NY.

In addition to the WXPS(FM) service to Vergennes and Willsboro, each community is served by more than five other aural services. Both communities receive 60 dBu or better service from the following , as well as other, FM facilities.

WEZF(FM)	225C	Burlington, VT	N44-31-40 W72-48-58
WXXX(FM)	238C3	South Burlington, VT	N44-30-34 W73-10-59
WOKO(FM)	255C1	Burlington, VT	N44-27-03 W73-11-51
WCPV(FM)	267A	Essex, NY	N44-24-12 W73-26-02
WIZN(FM)	294C2	Vergennes, VT	N44-18-40 W73-14-34
WVPS(FM)	300C	Burlington, VT	N44-31-32 W72-48-54

## **SERVICES OVER REMAINING AREAS**

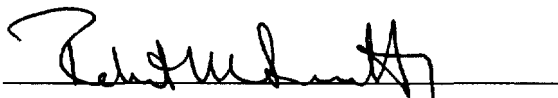
The area presently receiving 60 dBu service from WXPS(FM) that will not receive 60 dBu service from the proposed operation (the "loss area") will continue to receive more than five other aural services. From the above table of facilities, only WCPV(FM) fails to cover all of the loss area. In addition to the above list, WMNM(FM), 221C3, Port Henry , NY and WGTK(FM), 265A, Middlebury, VT are located in the loss area and provide 60 dBu or better coverage to the area.

The area not presently receiving 60 dBu service from WXPS(FM) that will receive 60 dBu service from the proposed operation (the "gain area") presently receives 60 dBu or better service from more than five aural services. From the above list of facilities only WIZN(FM) fails to cover all of the gain area. In addition to the above list, WKOL(FM), 286C3, Plattsburgh, NY is located within the gain area and provides 60 dBu or better service to the area.

## **SUMMARY**

The proposed change to the Table of Allotments and subsequent construction of WXPS(FM) at the proposed allotment site will increase the total population receiving 60 dBu or better service from WXPS(FM) by 48,712 and the total area by 27.8 square kilometers.

The change will not remove WXPS(FM) 60 dBu service from Vergennes, VT and will add WXPS(FM) 60 dBu service to the 5% of Willsboro not presently receiving such service. Therefore, the total number of aural services covering Vergennes and Willsboro will not change and will remain greater than five such services.

A handwritten signature in black ink, appearing to read "Robert M. Smith Jr.", written over a horizontal line.

Robert M. Smith Jr.



### **STATEMENT OF QUALIFICATIONS**

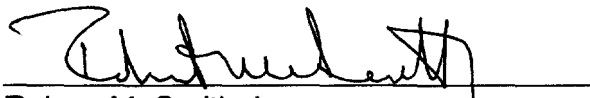
I, Robert M. Smith Jr. of Windham, New Hampshire, state:

That I was retained by the Watertown Radio Associates L.P. to prepare the Statement and exhibits contained herein, and that all statements and data contained herein are true and accurate to the best of my knowledge and belief;

That I am an experienced and qualified radio broadcast engineer;

That I am the Proprietor of R.M. Smith Associates, a broadcast technical consulting firm in Windham, New Hampshire; and

That my qualifications are a matter of record with the Federal Communications Commission, having filed applications and technical measurements with it on numerous occasions in the past.



Robert M. Smith Jr.

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This page has been substituted for one of the following:

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